

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1695 of 2019

Jothilakshmi

... Petitioner

-vs-

1.The State

Rep. by Inspector of Police,
Marakkanam Police Station,
Marakkanam
Villupuram District.

2.Shamsu Nisha

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the first respondent to produce the petitioner's husband viz., Babu, S/o. Pandurangan, aged about 45 years, who is in illegal custody of the second respondent herein before this Court and set him at liberty.

For Petitioner : Mr.C.T.Saravanan

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor for R1

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the first respondent to produce the petitioner's husband viz., Babu, S/o. Pandurangan, aged about 45 years, who is in illegal custody of the second respondent herein before this Court and set him at liberty, the present habeas corpus petition has been filed by the wife of the detenu.

2.The petitioner is the wife of the detenu. Interalia alleging that he is missing from the year 2018, the present

complaint was given. Thereafter, the present writ petition is filed.

3.Learned Additional Public Prosecutor appearing for the first respondent, on instructions, submitted that the petitioner and the detenu were living apart for two years. The detenu has been working in Dubai for more than two years. The petitioner has also given domestic complaint against the in-laws, which has also been stayed by this Court. The allegation against the second respondent is not correct and the investigation would reveal that she is happily married and living with her husband.

4.From the above, we are of the view that it is only a matrimonial dispute and therefore, there is no illegal detention involved. Accordingly, the habeas corpus petition stands dismissed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

mmi/ssm
To

1.The Inspector of Police,
Marakkanam Police Station,
Marakkanam
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.C.T.Saravanan, Advocate sr 76812

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SP(03/10/2019)